IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1549 OF 2006

Rajesh D. Vyas & ors. Petitioners
vs.
Union of India & anr. Respondents

Mr.Prakash Sinha i/b. Mr.Ashok Bhatia for the petitioners.

Mr.S.M. Shah with Mr.P.P.Kakade for the Union of India.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 8th March 2006

P.C.

The learned counsel for the petitioners prays for withdrawal of this writ petition with liberty to the petitioners to file proper objections before the Tax Recovery Officer in respect of the attachment/sale of Flat No.106-A, Kanakia Park-I, Thakur Complex, Kandiwali (E), Mumbai.

2. Needless to say that if proper objections are filed by the petitioners to the attachment/sale of the aforesaid flat, the Tax Recovery Officer shall investigate the claim or objections under rule 11 of Schedule II appended to Income Tax Act, 1961.

3. Writ petition is allowed to be withdrawn with

liberty as indicated above.

4. In view of the statement made by the learned counsel for the petitioners that all original documents concerning flat in question are lying inside the aforesaid flat, we direct the concerned Tax Recovery Officer to permit the petitioners to remove the said documents from the concerned flat for the purposes of investigation by the Tax Recovery Officer under rule 11.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)